

MESSAGE NO: 5105202

MESSAGE DATE: 04/15/2005

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FNO-Final Det w/Order

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE MESSAGE #
(s): 5067202

CASE #(s): A-570-896

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 03/29/2005 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF AMENDED FINAL DETERMINATION IN THE ANTIDUMPING DUTY
INVESTIGATION OF MAGNESIUM METAL FROM THE PEOPLE'S REPUBLIC OF CHINA (A-
570-896-001/004)

MESSAGE NO: 5105202

DATE: 04 15 2005

CATEGORY: ADA

TYPE: FNO

REFERENCE: 5067202

REFERENCE DATE: 03 08 2005

CASES: A - 570 - 896

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PERIOD COVERED: 03 29 2005 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF AMENDED FINAL DETERMINATION IN THE
ANTIDUMPING DUTY INVESTIGATION OF MAGNESIUM METAL FROM
THE PEOPLE'S REPUBLIC OF CHINA (A-570-896-001/004)

1. ON MARCH 29, 2005, THE DEPARTMENT OF COMMERCE PUBLISHED IN
THE FEDERAL REGISTER ITS AMENDED FINAL DETERMINATION OF SALES AT
LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF
MAGNESIUM METAL FROM THE PEOPLE'S REPUBLIC OF CHINA (70 FR
15838). THIS IS AN AMENDMENT OF MESSAGE 5067202 ISSUED ON MARCH
8, 2005.

2. FOR PURPOSES OF THIS INVESTIGATION, THE PRODUCTS COVERED BY THIS INVESTIGATION ARE PRIMARY AND SECONDARY ALLOY MAGNESIUM METAL, REGARDLESS OF CHEMISTRY, RAW MATERIAL SOURCE, FORM, SHAPE, OR SIZE. MAGNESIUM IS A METAL OR ALLOY CONTAINING BY WEIGHT PRIMARILY THE ELEMENT MAGNESIUM. PRIMARY MAGNESIUM IS PRODUCED BY DECOMPOSING RAW MATERIALS INTO MAGNESIUM METAL. SECONDARY MAGNESIUM IS PRODUCED BY RECYCLING MAGNESIUM-BASED SCRAP INTO MAGNESIUM METAL. THE MAGNESIUM COVERED BY THIS INVESTIGATION INCLUDES BLENDS OF PRIMARY AND SECONDARY MAGNESIUM.

THE SUBJECT MERCHANDISE INCLUDES THE FOLLOWING ALLOY MAGNESIUM METAL PRODUCTS MADE FROM PRIMARY AND/OR SECONDARY MAGNESIUM INCLUDING, WITHOUT LIMITATION, MAGNESIUM CAST INTO INGOTS, SLABS, ROUNDS, BILLETS, AND OTHER SHAPES, AND MAGNESIUM GROUND, CHIPPED, CRUSHED, OR MACHINED INTO RASPIINGS, GRANULES, TURNINGS, CHIPS, POWDER, BRIQUETTES, AND OTHER SHAPES: PRODUCTS THAT CONTAIN 50 PERCENT OR GREATER, BUT LESS THAN 99.8 PERCENT, MAGNESIUM, BY WEIGHT, AND THAT HAVE BEEN ENTERED INTO THE UNITED

STATES AS CONFORMING TO AN "ASTM SPECIFICATION FOR MAGNESIUM ALLOY" /1/ AND THUS ARE OUTSIDE THE SCOPE OF THE EXISTING ANTIDUMPING ORDERS ON MAGNESIUM FROM THE PEOPLE'S REPUBLIC OF CHINA (GENERALLY REFERRED TO AS "ALLOY" MAGNESIUM).

THE SCOPE OF THIS INVESTIGATION EXCLUDES THE FOLLOWING MERCHANDISE: (1) ALL FORMS OF PURE MAGNESIUM, INCLUDING CHEMICAL COMBINATIONS OF MAGNESIUM AND OTHER MATERIAL(S) IN WHICH THE PURE MAGNESIUM CONTENT IS 50 PERCENT OR GREATER, BUT LESS THAN 99.8 PERCENT, BY WEIGHT, THAT DO NOT CONFORM TO AN "ASTM SPECIFICATION FOR MAGNESIUM ALLOY"/2/; (2) MAGNESIUM THAT IS IN LIQUID OR MOLTEN FORM; AND (3) MIXTURES CONTAINING 90 PERCENT OR LESS MAGNESIUM IN GRANULAR OR POWDER FORM, BY WEIGHT, AND ONE OR MORE OF CERTAIN NON-MAGNESIUM GRANULAR MATERIALS TO MAKE MAGNESIUM-BASED REAGENT MIXTURES, INCLUDING LIME, CALCIUM METAL, CALCIUM SILICON, CALCIUM CARBIDE, CALCIUM CARBONATE, CARBON, SLAG COAGULANTS, FLUORSPAR, NEPHALINE SYENITE, FELDSPAR, ALUMINA (AL₂O₃), CALCIUM ALUMINATE, SODA ASH, HYDROCARBONS, GRAPHITE,

COKE, SILICON, RARE EARTH METALS/MISCHMETAL, CRYOLITE, SILICA/FLY ASH, MAGNESIUM OXIDE, PERICLASE, FERROALLOYS, DOLOMITE LIME, AND COLEMANITE /3/.

THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS CLASSIFIABLE UNDER ITEMS 8104.19.00 AND 8104.30.00 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). ALTHOUGH THE HTSUS ITEMS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

/1/ THE MEANING OF THIS TERM IS THE SAME AS THAT USED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS IN ITS ANNUAL BOOK OF ASTM STANDARDS: VOLUME 01.02 ALUMINUM AND MAGNESIUM ALLOYS.

/2/ THIS MATERIAL IS ALREADY COVERED BY EXISTING ANTIDUMPING ORDERS. SEE NOTICE OF ANTIDUMPING DUTY ORDERS: PURE MAGNESIUM FROM THE PEOPLE'S REPUBLIC OF CHINA, THE RUSSIAN FEDERATION AND UKRAINE; NOTICE OF AMENDED FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE: ANTIDUMPING DUTY INVESTIGATION OF PURE MAGNESIUM FROM THE RUSSIAN FEDERATION, 60 FR 25691 (MAY 12, 1995); NOTICE OF ANTIDUMPING DUTY ORDER: PURE MAGNESIUM IN GRANULAR FORM FROM THE PEOPLE'S REPUBLIC OF CHINA, 66 FR 57936 (NOVEMBER 19, 2001).

/3/ THIS THIRD EXCLUSION FOR MAGNESIUM-BASED REAGENT MIXTURES IS BASED ON THE EXCLUSION FOR REAGENT MIXTURES IN THE 2000-2001 INVESTIGATIONS OF MAGNESIUM FROM CHINA, ISRAEL, AND RUSSIA. SEE FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE: PURE MAGNESIUM IN GRANULAR FORM FROM THE PEOPLE'S REPUBLIC OF CHINA, 66 FR 49345 (SEPTEMBER 27, 2001); FINAL DETERMINATION OF SALES

AT LESS THAN FAIR VALUE: PURE MAGNESIUM FROM ISRAEL, 66 FR 49349 (SEPTEMBER 27, 2001); FINAL DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE: PURE MAGNESIUM FROM THE RUSSIAN FEDERATION, 66 FR 49347 (SEPTEMBER 27, 2001). THESE MIXTURES ARE NOT MAGNESIUM ALLOYS, BECAUSE THEY ARE NOT CHEMICALLY COMBINED IN LIQUID FORM AND CAST INTO THE SAME INGOT.

3. FOR IMPORTS OF MAGNESIUM METAL, U.S. CUSTOMS AND BORDER PROTECTION ("CBP") SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER

MARCH 29, 2005. EFFECTIVE MARCH 29, 2005, CBP SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGINS SHOWN BELOW:

MANUFACTURER OR EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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TIANJIN MAGNESIUM INTERNATIONAL CO., LTD.		
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A-570-896-001	49.66
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BEIJING GUANGLING JINGHUA SCIENCE & TECHNOLOGY CO., LTD.		
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A-570-896-004	49.66
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4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O8:LA).

5. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party